

REMARKS

All of original claims 15-18 and claims 19-33, added by amendment, are pending in the application. All claims are rejected under several arguments in a non-final office action of 3/22/2002 and a final office action of 1/5/2004. Applicant has responded to those arguments of rejection in responses filed 6/20/2003, 10/24/2003 and 4/20/2004. Applicant maintains that all of pending claims 15-33 are already sufficiently and patentably distinguished over the cited references and arguments to date. Applicant now requests continued examination to bring the claims under further substantive examination and to bring the application into prompt allowance.

Applicant reminds the office of its duty under 37 CFR 1.104(c)(2) to provide the pertinence of each reference, if not apparent, clearly explained. Applicant therefore requests and requires, for each point of rejection, that the office supply specific locations and interpretations relied upon where it is not readily apparent. Applicant further reminds the office that it has earlier required documentary support for arguments of rejection of claims 19-33 relying upon official notice. The policy of the office regarding official notice is stated in the Manual of Patent Examining Procedure section 2143. Referring to that policy, the office may not maintain the arguments for which official notice is relied upon, unless:

1. The technical line of reasoning underlying a decision to take official notice is expressed, clear and unmistakable.
2. Specific factual findings are provided predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge.
3. As the applicant asserts that he has adequately challenged the arguments in his reply of 4/20/2004, documentary evidence must be provided in the next office action supporting the arguments of official notice. If the examiner is relying on personal knowledge, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding.

Applicant further reminds the office that it has not sufficiently pointed out the following claim elements in the Chelliah reference (or other known references), which he cannot identify from the examiner's statements:

1. The segmenting of transaction packet information (claims 15 and 16).
2. The aggregation of individual product order items by vendor (claims 15 and 16).
3. The processing of individual product order items for each of several vendors (claims 15 and 16).
4. Repeating the shopping steps A-D of claim 15 before executing a global checkout step (claims 15 and 16).
5. Transmitting a packet from a vendor commerce system to a global shopping basket (claims 15 and 16).
- 6a. "a merchant database ... (that) stores merchant-specific transaction processing rules that instruct the transaction processor how to process a transaction for a particular merchant" (claim 19 and by dependence 20-33)
- 6b. Querying a vendor database to obtain vendor-specific processing rules (claim 16).
- 7a. "a customer database ... (that) stores customer-specific transaction processing rules ... for a particular customer" (claim 31)
- 7b. Querying a customer database to obtain customer-specific processing rules (claim 16).
8. A payment proxy interface and/or system (claims 17-18 and 27-29).
9. Runtime payment logic (claim 17).
10. A plurality of connection modules (claims 17 and 29).
- 11a. "a plurality of vendor commerce systems" (claim 19 and by dependence 20-33)
- 11b. A plurality of vendor commerce systems linked to a common E-Commerce portal, each vendor commerce system including a local product catalog and a local shopping basket (claims 18, 21 and by dependence 22)
- 12a. A transaction processor linked to an E-Commerce portal having a global shopping basket

and an interface for communicating transaction information between vendor commerce system local shopping baskets and the global shopping basket (claim 18).

12b. "a transaction processor ... wherein the transaction processor includes a global shopping basket ... capable of storing selections in combination with information whereby a vendor may be identified for each selection" (claim 19 and by dependence 20-33)

13. "wherein the plurality of vendor commerce systems further include a local customer directory and local workflow rules." (claim 22)

14. "a transaction interface ... wherein the transaction interface generates a transaction packet ... each time a customer ... purchases a product at one of the vendor commerce systems ... stored in the global basket" (claim 23 and by dependence 24)

15. "merchant-specific payment verification rules" (claim 33)

Applicant further notes that the examiner has given conflicting statements on the following:

1. Whether or not the Chelliah reference discloses that a vendor may be identified for each product selection destined for a global shopping basket.
2. Whether or not the Chelliah reference discloses runtime logic.

Applicant requires clarification of both of the above positions.

Furthermore, the office has yet to provide a complete prima facie case of obviousness for claims 19-33, as applicant has refuted the prior arguments made. More particularly, the office cannot rely on *In re Japikse* to assert that "it has been held that rearranging parts of an invention involves only routine skill in the art" (even in the claimed inventions were mere rearrangements), as that is a false statement for reasons stated in applicant's last response.

Applicant requests a complete response to his earlier arguments filed April 20, 2004, addressing each of the points contained therein and summarized above. Applicant thereby requests

reconsideration of all present claims, and speedy allowance thereof.

The applicant's representative would be grateful to be contacted at the below telephone number, should there be any remaining questions.

Respectfully submitted this 2 day of July, 2004.



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